

REMARKS

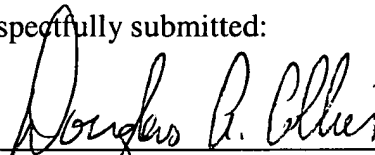
An Election/Restriction Requirement dated 10 November 2004 has been received asserting that the present invention contains claims directed to the following patentably distinct inventions:

- I. Claims 1-21, drawn to a surgical method, classified in class 128, subclass 898
- II. Claims 22-29, drawn to a distraction instrument, classified in class 606, subclass 105.

The invention of Group I, claims 1-21 is hereby elected without traverse.

Examination of the present application in view of this response and election is respectfully requested. The Examiner is encouraged to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted:



Douglas A. Collier

Reg. No. 43,556

Woodard, Emhardt, Moriarty,

McNett & Henry, LLP

Bank One Center Tower

111 Monument Circle, Suite 3700

Indianapolis, Indiana 46204-5137

(317) 634-3456